IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

PRESENT:
THE HON'BLE SMT JUSTICE T.MEENA KUMARI

WRIT PETITION NO :31849 of 1997

DATED:12.9.2007

Between:
N.Srinivas

..... PETITIONER

AND
Industrial Tribunal-cum Labour Court, Warangal
Rep by its Presiding Officer & others.

.....RESPONDENTs

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

WRIT PETITION NO:31849 OF 1997

ORDER:

The petitioners have filed the present writ petition seeking to quash the award passed by the 1st respondent in I.D.No:227 of 1993, dated 20.3.1997 published on 31.5.1997 and grant the relief of reinstatement with full back wages, continuity of service and with all other attendant benefits.

The petitioner is the applicant before the tribunal. On the O.A. filed by him seeking to direct the respondents to reinstate him into service with continuity of service, full back wages and with all attendant benefits, the tribunal having observed that the applicant has taken a false plea that he was continued in the respondent-organization even after termination and the applicant has taken inconsistent pleas and he was given retrenchment notice on the same day and the wages were calculated and paid to him by way of D.D. and he has accepted the D.D. amount and therefore, the retrenchment order passed by the respondent is valid and there is no illegality committed by the respondent while terminating the services of the applicant and as such, there is no violation of the provisions of section 25-F of the I.D. Act, dismissed the I.D. holding that the applicant is not entitled to any relief and the award shall come into force from the date of its publication under section 17-A of the I.D. Act. Having aggrieved

by the same, the present writ petition is filed by the applicant.

Heard the learned counsel for the applicant, the learned G.P. for Labour and Employment and Sri M. Gangarao, the learned standing counsel for the respondents.

It is contended by the learned counsel appearing on behalf of the applicant that the applicant was working as N.M.R and therefore, he is entitled for regularization and apart from that, even though the retrenchment allowance was paid, since the applicant worked even after the termination and received the wages in the name of binami, he is entitled to be reinstated. Hence, the tribunal is not justified in passing a nil award instead of directing the respondents to reinstate the applicant.

The learned Standing counsel for the respondents contended that in view of the termination of the applicant and payment of the amount by way of D.D. which was accepted by the applicant, the tribunal is justified in passing the order impugned. Therefore, it needs no interference by this Court.

Perused the entire material available on record as well as the order impunged.

The fact that remains undisputed is that the applicant was discharged from service by the orders dated 31.8.1993 with effect from 1.9.1993.

According to the respondents, the memo dated 12.9.1985 issued by the Government contemplates that the District Collectors shall review the working of the Engineering staff from time to time on the basis of the work load and the staff so appointed shall be reduced whenever necessary with reference to

the work and in that process, the applicant along with others were engaged as watchmen on daily wage basis in the respondent-organization and as soon as the work was over, the services of the applicant have been dispensed with by following the procedure as contemplated under the provisions of section 25-F of the I.D. Act.

On the other hand, it is contention of the learned counsel for the applicant that the termination of the applicant itself is illegal and therefore, the order of the tribunal is liable to be set aside.

The applicant having the notice of termination along with the amount of compensation by way of D.D. cannot contend that the action of the respondents is in contravention of the provisions of section 25 F of the I.D. Act.

Leaving it aside, the case of the applicant that even after the termination, he was engaged in the respondent-organization and he also received wages in the name of binami and therefore, it amounts to his continuation of service in the society, holds baseless.

In these circumstances of the case coupled with the provisions of the I.D. Act, I have no hesitation to hold that the tribunal is justified in passing the order impugned and thereby, it needs no interference by this Court. I see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, this W.P. is dismissed. No costs.

(JUSTICE T.MEENAKUMARI)

12th September, 2007

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THE HON'BLE SMT. JUSTICE T.MEENA KUMARI

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12th September, 2007.